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Date: AUGUST 13, 2004
To: WILLIAM T. HOWARTH From: _____
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COMMENTS: PLEASE SEE ATTACHED COMMENT LETTER
RE: DEEP SEA CORAL RULEMAKING PETITION

THANK YOU.

*Alaska Marine Conservation Council • Alaska Oceans Program • American Littoral Society,
Southeast Chapter • Defenders of Wildlife • Marine Conservation Biology Institute •
National Environmental Trust • Ocean Journey Aquarium • Oceana • ReefGuardian
International • Seaflow • Sierra Club • Sierra Club National Marine Wildlife and Habitat
Committee • United Anglers of California, Inc. • U.S. Public Interest Research Group*

August 13, 2004

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
NOAA National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Rulemaking Petition to Protect Deep-Sea Coral and Sponge Habitat

Dear Dr. Hogarth,

We are writing to urge you to immediately respond to the request for protecting deep sea corals as set out in 69 Fed. Reg. 32991 (June 14, 2004). The need to safeguard this habitat is essential for the future survival of deep-sea coral and sponge habitat.

Marine scientists and researchers assert that these colonies support entire ecosystems of fish and invertebrates, including commercially managed species. Many of these colonies are truly ancient, growing for many hundreds and even thousands of years, and are as biologically diverse as their shallow water counterparts.

Deep sea coral habitat and sponge communities are not adequately protected under existing fishery management plans (FMPs) or through other pending rulemakings. Current efforts are proceeding too slowly to offer the necessary immediate protection to these habitats even though, by our reading of the law, it is required by the National Oceanic and Atmospheric Administration (NOAA) via the Magnuson-Stevens Act to identify and protect essential fish habitat and 'habitat areas of particular concern' (HAPC).

The Rulemaking Petition to Protect Deep-sea Coral and Sponge Habitat applies a precautionary approach that would prevent further destruction of deep-sea corals and sponges while appropriate research and analysis takes place. We request that the Department of Commerce, through the National Marine Fisheries Service (NMFS), adopt the Rulemaking Petition immediately to protect deep-sea coral and sponge habitats in the United States' EEZ by taking the following measures:

- Identify, map, and list all known areas containing high concentrations of deep-sea coral and sponge habitat.
- Designate all known areas containing high concentrations of deep-sea coral and sponge habitat both as EFH and HAPC, and close these HAPC to bottom trawling.
- Identify all areas not fished within the past three years with bottom-tending mobile fishing gear, and close these areas to bottom trawling.
- Monitor bycatch to identify areas of deep-sea coral and sponge habitat that are currently fished, establish appropriate limits or caps on bycatch of deep-sea coral and sponge habitat, and immediately close areas to bottom trawling where these limits or caps are reached, until such time as the areas can be mapped, identified as EFH and HAPC, and permanently protected.

- Establish a program to identify new areas containing high concentrations of deep-sea coral and sponge habitat through bycatch monitoring, surveys, and other methods, designate these newly discovered areas as EFH and HAPC, and close them to bottom trawling.
- Enhance monitoring infrastructure, including observer coverage, vessel monitoring systems, and electronic logbooks for vessels fishing in areas where they might encounter high concentrations of deep-sea coral and sponge habitat (including encountering HAPC)
- Increase enforcement and penalties to prevent deliberate destruction of deep-sea coral and sponge habitat and illegal fishing in already closed areas.
- Fund and initiate research to identify, protect, and restore damaged deep-sea coral and sponge habitat.

The Department of Commerce has both the responsibility and opportunity to take action immediately to save these ancient habitats before they are lost forever. We consider this proposal to be feasible and easy to implement. It truly provides the most reasonable protection from damage to living sponges and corals while having the least harmful impact on the economic wellbeing of existing fisheries and fishing communities.

Again, we fully support this Petition, and we thank you for taking the time to consider our comments.

Sincerely,

Dave Allison
Campaign Director
Oceana, Inc.

Kevin S. Curtis
Vice President
National Environmental Trust

Buffy Baumann
Oceans Advocate
U.S. Public Interest Research Group

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